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449A/PTO  
**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

Complete if Known

Application Number	10/696,729
Filing Date	October 29, 2003
First Named Inventor	Freeberg, Scott
Group Art Unit	3762
Examiner Name	Unknown

Sheet 1 of 7

Attorney Docket No: 279.652US1

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Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
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05/30/2006

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Sheet 2 of 7

Attorney Docket No: 279.652US1

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DATE CONSIDERED 05/24/2006

Substituting Disclosure Statement Form (PTO-1449)

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Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;"><i>Complete if Known</i></td> </tr> <tr> <td style="width: 50%;">Application Number</td> <td>10/696,729</td> </tr> <tr> <td>Filing Date</td> <td>October 29, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Freeberg, Scott</td> </tr> <tr> <td>Group Art Unit</td> <td>3762</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> </table>	<i>Complete if Known</i>		Application Number	10/696,729	Filing Date	October 29, 2003	First Named Inventor	Freeberg, Scott	Group Art Unit	3762	Examiner Name	Unknown
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Sheet 3 of 7	Attorney Docket No: 279.652US1												

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Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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Sheet 4 of 7

Attorney Docket No: 279.652US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T‡
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Sheet 5 of 7

Attorney Docket No: 279.652US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

152

IDS-16/04/2004  
Applicant: Scott Freeberg

Title: CROSS-CHECKING OF TRANSTHORACIC IMPEDANCE AND ACCELERATION SIGNALS

Docket No.: 279.652US1

Filed: October 29, 2003

Examiner: Unknown

Serial No.: 10/696,729

Due Date: N/A

Group Art Unit: 3762

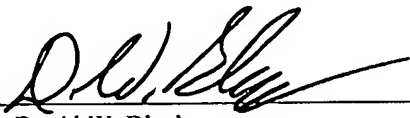
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- ☒ A Communication Concerning Related Applications (2 pgs.).
- ☒ An Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 12 cited documents.

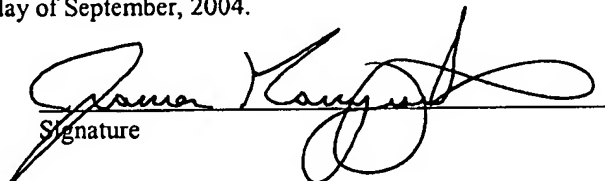
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of September, 2004.

JAMES KANYOSIK  
Name

  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)





**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scott Freeberg

Examiner: Unknown

Serial No.: 10/696,729

Group Art Unit: 3762

Filed: October 29, 2003

Docket: 279.652US1

Title: CROSS-CHECKING OF TRANSTHORACIC IMPEDANCE AND  
ACCELERATION SIGNALS

**INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicant with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

INFORMATION DISCLOSURE STATEMENT

Serial No :10/696,729

Filing Date: October 29, 2003

Title: CROSS-CHECKING OF TRANSTHORACIC IMPEDANCE AND ACCELERATION SIGNALS

Page 2  
Dkt: 279.652US1

The present application is a U.S. national patent application filed after June 30, 2003. Thus, Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).


The Examiner is invited to contact the Applicant's Representative at the below-listed Telephone number if there are any questions regarding this communication.

Respectfully submitted,

SCOTT FREEBERG


By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6911

Date September 30, 2004 By   
David W. Black  
Reg. No. 42,331

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JAMES KANYUSIK  
Name

  
Signature

**S/N 10/696,729**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scott Freeberg

Examiner: Unknown

Serial No.: 10/696,729

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Filed: October 29, 2003

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Title: CROSS-CHECKING OF TRANSTHORACIC IMPEDANCE AND  
ACCELERATION SIGNALS

**COMMUNICATION CONCERNING RELATED APPLICATIONS**

MS Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/032,731 6,076,015	February 27, 1998	279.078US1	RATE ADAPTIVE CARDIAC RHYTHM MANAGEMENT DEVICE USING TRANSTHORACIC IMPEDANCE
09/316,690 6,161,042	May 21, 1999	279.078US2	RATE ADAPTIVE CARDIAC RHYTHM MANAGEMENT DEVICE USING TRANSTHORACIC IMPEDANCE
09/492,912 6,463,326	January 20, 2000	279.078US3	RATE ADAPTIVE CARDIAC RHYTHM MANAGEMENT DEVICE USING TRANSTHORACIC IMPEDANCE
10/735,598	December 12, 2003	279.441US1	AUTOMATICALLY CONFIGURABLE MINUTE VENTILATION SENSOR
10/612,388	July 2, 2003	279.582US1	CARDIAC CYCLE SYNCHRONIZED SAMPLING OF IMPEDANCE SIGNAL

COMMUNICATION CONCERNING RELATED APPLICATIONS

Serial Number: 10/696,729

Filing Date: October 29, 2003

Title: CROSS-CHECKING OF TRANSTHORACIC IMPEDANCE AND ACCELERATION SIGNALS

Page 2

Dkt: 279.652US1

10/268,023      October 8,      279.078US4  
2003/0105499      2002  
A1

RATE ADAPTIVE CARDIAC RHYTHM  
MANAGEMENT DEVICE USING  
TRANSTHORACIC IMPEDANCE

Respectfully submitted,

SCOTT FREEBERG


By Applicant's Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

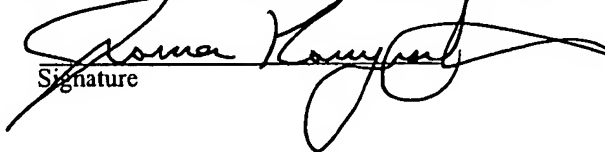
Minneapolis, MN 55402

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Date September 30, 2004 By   
David W. Black  
Reg. No. 42,331

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JAMES KAUYUSIK  
Name

  
Signature

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Complete if Known

Application Number 10/696,729

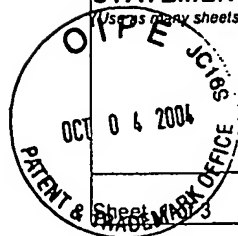
Filing Date October 29, 2003

First Named Inventor Freeberg, Scott

Group Art Unit 3762

Examiner Name Unknown

Attorney Docket No: 279.652US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
DR	US-2003/0105499 A1	06/05/2003	Hartley, J. W., et al.	607	17	10/08/2002
	US-3,896,817	07/29/1975	Hursen, Thomas F., et al.	128	419R	08/04/1972
	US-4,596,251	06/24/1986	Plicchi, G., et al.	128	419 PG	10/10/1984
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	US-5,085,215	02/04/1992	Nappholz, T. A., et al.	128	419 PG	03/20/1990
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EXAMINER

/Darin Roberts/

DATE CONSIDERED 05/24/2006

Substitute Disclosure Statement Form (PTO-1449)

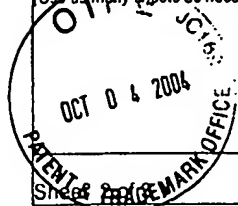
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Application Number	10/696,729
Filing Date	October 29, 2003
First Named Inventor	Freeberg, Scott
Group Art Unit	3762
Examiner Name	Unknown

Attorney Docket No: 279.652US1

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DR	US-6,463,326	10/08/2002	Hartley, J. W., et al.	607	20	01/20/2000

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DR	EP-0003567A1 (w/ English Abstract)	08/22/1979	Hofmann, G. H.	A61B	5/04	
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EXAMINER

/Darin Roberts/

DATE CONSIDERED

05/24/2006

Substitute Disclosure Statement Form (PTO-1449)

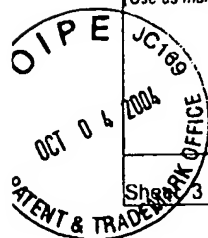
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STATEMENT BY APPLICANT**

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Sheet 3 of 3

Complete if Known

Application Number	10/696,729
Filing Date	October 29, 2003
First Named Inventor	Freeberg, Scott
Group Art Unit	3762
Examiner Name	Unknown

Attorney Docket No: 279.652US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-Issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
DR		FREEBERG, S. , "AUTOMATICALLY CONFIGURABLE MINUTE VENTILATION SENSOR", <u>US Patent Application Ser. No. 10/735,598, filed December 12, 2003 (279.441US1), 35 Pages</u>	
DR		HAUCK, JOHN A., "A Minute Ventilation Sensor Derived from Intra-thoracic Electric Impedance as a Cardiac Pacemaker Rate Modulator", <u>University of Minnesota Master Thesis, (June 1993), Pages 80-86 &amp; 97</u>	
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EXAMINER

/Darin Roberts/

DATE CONSIDERED

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